



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: MCKEE NO. 123 ANNEXATION

DATE: May 10, 2004

Approved

Date

COUNCIL DISTRICT: 5

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKee No. 123 which involves the annexation to the City of San Jose of 0.14 gross acres of land located on the west side of Pala Avenue, approximately 60 feet northerly of Avenue A, and generally bounded by the City of San Jose annexation McKee No. 100, and the detachment of the same from the County Lighting County Services, Central Fire Protection, Area No. 01 (Library Services) and County Sanitation District 2-3.

BACKGROUND

On May 4, 2004 City Council adopted Zoning Ordinance No. 27125 which rezoned the subject property from County to R-1-8 Residence Zoning District of 0.14 gross acres to allow single-family detached residential development.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 484-19-109 and the detachment from County Lighting County Services, Central Fire Protection, Area No. 01 (Library Services) County Services and County Sanitation District 2-3.

ANALYSIS

The reorganization is defined as "100 percent consent," since all of the property owners have consented to the annexation petition. The Registrar of Voters has certified that there are no registered voters living on site.

HONORABLE MAYOR AND CITY COUNCIL

May 10, 2004

Subject: McKee No. 123 Annexation

Page 2

The proposed annexation would facilitate the development of a vacant lot with single-family residential uses on land that is within the City's Urban Services Area (USA). This parcel is adjacent to City territory to the west, and County territory to the north, south and east. Annexation of the subject parcel would result in the reduction of a pocket of unincorporated territory. The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

Proceedings are being conducted under provisions of the California Government Code Section 56826, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. **The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO.** *The site is located within the City's Urban Service Area.*
2. **The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies.** *The County Surveyor has certified the boundaries of the reorganization.*
3. **The proposal does not split lines of assessment or ownership.** *All affected parcels are being reorganized in their entirety.*
4. **The proposal does not create islands or areas in which it would be difficult to provide municipal services.** *No such islands are being created. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory.*
5. **The proposal is consistent with the City's adopted General Plan.** *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development be located within cities.*
6. **The territory is contiguous to existing City limits.** *The area proposed to be reorganized is contiguous to the City limits along one side as shown on the attached map.*
7. **The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area.** *No such conditions have been imposed.*

HONORABLE MAYOR AND CITY COUNCIL
May 10, 2004
Subject: McKee No. 123 Annexation
Page 3

PUBLIC OUTREACH

Notices of the public hearings for the rezoning (C03-081) were mailed to all property owners and tenants within 500 feet of the subject site. Notice of the public hearings was also published in the newspaper.

CEQA

GP2020 EIR (Resolution No.65459).

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

C: Fernando Po, 312 S. Pastoria Avenue, Sunnyvale, CA 94086

(Rev. 4/29//03)
SS :11/207-07